IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4329 of 2005

Between:

K.H. Nadaf, S/o Hussain Saheb,

No. 881226786-Ct/GD G/90 BN CRPF,
Padmaraonagar, Secunderabad.

..... PETITIONER

AND

1 Director General of Police, Central Reserve Police Force,
C.G.O. Complex, Lodhi Road, New Delhi.
2 Inspector General of Police, Central Reserve Police Force,
Southern Sector, Chandrayangutta, Hyderabad - 500 005.
3 Deputy Inspector General of Police, Central Reserve Police Force,
Southern Sector, Chandrayangutta, Hyderabad - 500 005.
4 The Commandant 90 BN CRPF, Padmaraonagar,

Secunderabad - 500 025.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus directing the Respondents to consider the request of the petitioner to give him choice posting either at Group Centre CRPF Hyderabad or Ranga Reddy, Secunderabad to enable the Petitioner to provide proper and timely medical treatment to his ailing and multiple handicapped 5 years old daughter; and pass such further or other orders deemed just and proper.

Counsel for the Petitioner: MRMOHDVASI AHMED (not present)

Counsel for the Respondent Nos.1 to 4: MR.S.S.VARMA (ADDL CGSC)

The Court at the admission stage made the following:

ORDER:

To issue a Writ of Mandamus, directing the respondents to consider the request of the petitioner to give him choice posting either at Group Centre CRPF Hyderabad or Ranga Reddy, Secunderabad to enable the petitioner to provide proper and timely medical treatment to his ailing and multiple handicapped 5 years old daughter, the present writ petition is filed.

None appears for the petitioner. The main prayer asked for by the petitioner is to give choice posting.

A detailed counter affidavit has been filed on behalf of respondents. The respondents contend that the petitioner has already been exercised his choice of posting as he was given posting in Hyderabad from August, 1996 to January, 2003. Once the petitioner already exercised his choice of posting, he cannot ask again for choice of posting.

No right of the petitioner has been infringed by way of his transfer. The transfer is incidental of service, but not in violation of service conditions of the petitioner. The transfer is not by way of any punishment, and it is only on administration grounds. The order of transfer does not suffer from any incurable legal infirmities so as to call for interference by this Court. The writ petition is devoid of merits.

Therefore, the Writ Petition is dismissed. No order as to costs.

Dated: 22.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Director General of Police,

Central Reserve Police Force,

C.G.O.Complex, Lodhi Road,

New Delhi

2. The Inspector General of Police,

Central Reserve Police Force,

Southern Sector, Chandrayangutta,

Hyderabad

3. The Deputy Inspector General of Police,

Central Reserve Police Force,

Hyderabad Range, Southern Sector,

Hyderabad, Chandrayangutta,

Hyderabad

4. The Commandant 90 BN CRPF,

Padmaraonagar, Secunderabad

5. Two CD copies